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*Attorneys for Defendants Guardian Life Insurance  
Company of America and Berkshire  
Life Insurance Company of America*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

CHRISTINA S. PELLICANO,

No. 3:20-cv-01320-SB

Plaintiff,

v.

THE GUARDIAN LIFE INSURANCE  
COMPANY OF AMERICA and  
BERKSHIRE LIFE INSURANCE  
COMPANY OF AMERICA,

**DEFENDANTS' (UNOPPOSED) MOTION  
TO EXTEND PRETRIAL DEADLINES**

Defendants.

**LOCAL RULE 7-1 CERTIFICATION**

In accordance with LR 7-1, the parties, by and through counsel of record, conferred on this motion, and Plaintiff does not oppose this motion.

**MOTION TO EXTEND DEADLINES**

Pursuant to Fed. R. Civ. P. 6(b) and LR 16-3(a), defendants Guardian Life Insurance Company of America and Berkshire Life Insurance Company of America (collectively,

“Defendants”) hereby move this Court for an order extending the deadlines set forth in this Court’s Order dated September 9, 2021, by approximately four months. The proposed new deadlines are set forth below. Plaintiff does not oppose this motion.

This motion satisfies the requirements of Fed. R. Civ. P. 6(b) and LR 16-3(a). First, this request is supported by good cause because the proposed modifications to the Court’s current scheduling order will afford the parties time to complete discovery and avoid unnecessary burdens and expenses. The parties have actively exchanged in written discovery, served numerous *subpoenas duces tecum*, and produced documents in the case. The parties in recent months have been engaged in supplemental productions and resolving issues related to a third party having a large batch of likely responsive materials. The parties have also agreed to a deposition sequence and potential mediation once the parties complete the outstanding discovery matters. Second, the parties have engaged in effective use of prior time as explained in part above. Third, the parties recommend and agree to the below new deadlines. Fourth, the parties agree the proposed extensions will not cause unnecessary delays or prejudice to the parties.

<b>Event</b>	<b>Current Date</b>	<b>Proposed Date</b>
Fact discovery to be completed	February 11, 2022	June 21, 2022
Motions relating to fact discovery to be filed	March 4, 2022	July 13, 2022
Plaintiff to serve Rule 26(a)(2) expert disclosures	March 25, 2022	July 25, 2022
Defendants to serve Rule 26(a)(2) expert disclosures	April 22, 2022	August 22, 2022
Period for parties to depose experts	May 4, 2022 to July 22, 2022	September 1, 2022 to October 18, 2022
Rebuttal expert reports served	August 4, 2022	November 6, 2022
Close of expert discovery	August 19, 2022	November 21, 2022

<b>Event</b>	<b>Current Date</b>	<b>Proposed Date</b>
Dispositive motion deadline	September 16, 2022	December 16, 2022
Motions to exclude or limit expert testimony	September 16, 2022	December 16, 2022
Plaintiff to serve proposed PTO on defendants	14 days after the Court's ruling on any dispositive motions	14 days after the Court's ruling on any dispositive motions
Parties to confer regarding ADR	14 days after the Court's ruling on any dispositive motions	14 days after the Court's ruling on any dispositive motions
Parties to file Joint ADR Report	30 days after the Court's ruling on any dispositive motions	30 days after the Court's ruling on any dispositive motions
Parties to file Joint PTO	30 days after the Court's ruling on any dispositive motions	30 days after the Court's ruling on any dispositive motions
Pretrial motions or motions <i>in limine</i> deadline	30 days after the Court's ruling on any dispositive motions	
Exchange exhibit lists, witness lists, and deposition designations	To be set at a scheduling conference following the resolution of dispositive motions or the conclusion of ADR	To be set at a scheduling conference following the resolution of dispositive motions or the conclusion of ADR
Proposed Jury Instructions	To be set at a scheduling conference following the resolution of dispositive motions or the conclusion of ADR	To be set at a scheduling conference following the resolution of dispositive motions or the conclusion of ADR
Objections to exhibit lists, witness lists, deposition designations	To be set at a scheduling conference following the resolution of dispositive motions or the conclusion of ADR	To be set at a scheduling conference following the resolution of dispositive motions or the conclusion of ADR
Responses to motions <i>in limine</i>	To be set at a scheduling conference following the	To be set at a scheduling conference following the

Event	Current Date	Proposed Date
	resolution of dispositive motions or the conclusion of ADR	resolution of dispositive motions or the conclusion of ADR
Pretrial conference	To be set at a scheduling conference following the resolution of dispositive motions or the conclusion of ADR	To be set at a scheduling conference following the resolution of dispositive motions or the conclusion of ADR
Trial	To be set at a scheduling conference following the resolution of dispositive motions or the conclusion of ADR	To be set at a scheduling conference following the resolution of dispositive motions or the conclusion of ADR

For these reasons, Defendants respectfully request that this Court grant this motion and extend the deadlines in this case as set forth above. Plaintiff, again, does not oppose this motion.

Dated this 11<sup>th</sup> day of February, 2022.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

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*Attorneys for Defendants Guardian Life  
 Insurance Company of America and Berkshire  
 Life Insurance Company of America*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> day of February, 2022, I caused to be served the foregoing **DEFENDANTS' (UNOPPOSED) MOTION TO EXTEND PRETRIAL DEADLINES** on the following parties as follows:

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*Of Attorneys for Plaintiff*

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*Of Attorneys for Plaintiff*

s/ Jeffrey Hern  
Jeffrey Hern, OSB #043138